

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Proposed Amendments to ) Commission Rules 4 CSR 240-3.165, 4 CSR ) 240-3.245, 4 CSR 240-3.335, 4 CSR 240- ) 3.435, 4 CSR 240-3.540 and 4 CSR 240- ) 3.640, Annual Report Requirements. )	Case No. AX-2004-0160
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**FISCAL NOTE REVIEW MEMORANDUM**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and states:

1. This rulemaking made changes to the Commission’s rules regarding the submission of annual reports. The Commission’s Orders of Rulemaking appeared in the March 1, 2004 *Missouri Register*, Volume 29, Number 5, amending rules 4 CSR 240-3.165, 4 CSR 240-3.245, 4 CSR 240-3.335, 4 CSR 240-3.435, 4 CSR 240-3.540 and 4 CSR 240-3.640. The rules became effective on April 30, 2005, 30 days after their publication in the Code of State Regulations.

2. Section 536.200.2 RSMo. (2000) requires agencies to make a filing with the Secretary of State if, after the first full year after implementation, the cost of the rule exceeds the agency estimate. The first full fiscal year after the rules became effective was the fiscal year beginning July 1, 2004 and ending June 30, 2005. In the Memorandum attached as Appendix A, the Staff advises the Commission that the Staff conducted a review of the fiscal estimates from the rule changes adopted in this case and has determined that no fiscal estimate changes need to be filed with the Secretary of State.

WHEREFORE, Staff respectfully submits the attached Memorandum.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ David A. Meyer**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 18<sup>th</sup> day of July 2005.

**/s/ David A. Meyer**

## MEMORANDUM

TO: Case File for Case No. AX-2004-0160

FROM: Dale Johansen, on Behalf of the Commission Staff

SUBJECT: Accuracy of Cost Estimates for Implementation of Rule Amendments  
Compliance with the Requirements of Section 536.200.2, RSMo (2000)

DATE: July 15, 2005

The Commission Staff has investigated the cost of implementing the rules adopted by the Commission through this case, and reports that it has not discovered any information that would show that the cost estimates published in the *Missouri Register* were not accurate in connection with the implementation of the amended Commission rules that were the subject of Case No. AX-2004-0160.

Additionally, the Staff reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rules that would show that the cost estimates published in the *Missouri Register* were not accurate.

The rule modifications to 4 CSR 240-3.165, 4 CSR 240-3.245, 4 CSR 240-3.335, 4 CSR 240-3.435, 4 CSR 240-3.540, and 4 CSR 240-3.640 (Submission Requirements for Public Service Commission Annual Reports) were designed to address, in a uniform fashion, changes to the Public Service Commission's annual report submissions for electric, gas, sewer, steam heating, telecommunications, and water utilities, respectively. The modifications updated the Commission's rules to standardize terminology, take into account electronic filing options, clarify submission extension options, incorporate existing statutory penalty provisions, and clarify confidential treatment arrangements. As a matter of practice, the Commission had already accepted and treated submissions in the manner outlined in the proposed modifications.

The Commission's General Procedure GP-1 (GP-1) requires, among other things, that within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, that the Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

GP-1 also requires the Staff to prepare a memorandum showing the results of their investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or rescission. If the Staff investigation shows that the costs have not exceeded ten percent for all entities or, where appropriate, the estimated five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

Section 536.200.2, RSMo (2000) requires an agency to publish in the *Missouri Register* a report of any excess costs over estimated costs, or costs over five hundred dollars, where appropriate, within 90 days after the close of the "first full fiscal year" after the implementation of the subject rule, amendment or rescission. As the Staff's investigation indicates that the published cost estimates related to the implementation of the amendments to the subject rules have not been exceeded, no *Missouri Register* publication is required under Section 536.200.2.

**APPENDIX A**